

11/06/01
JC928 U.S. PTO

11-26-01

Box Seg/H

Practitioner's Docket No. MBIO1997-018DV1ACN1(M)

PATENT

Preliminary Classification:
Proposed Class:
Subclass:

J1050 U.S. PTO
09/1993 179
11/06/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Sean A. McCarthy et al.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[] deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10*

[] with sufficient postage as first class mail.

[X] Deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231
Mailing Label No. EL 791759248 US
(mandatory)

TRANSMISSION

[] transmitted by facsimile to the Patent and Trademark Office (703) _____

Date: November 6, 2001


Signature

Mary MacKinnon

(type or print name of person certifying)

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

For (title): SECRETED PROTEINS AND NUCLEIC ACIDS ENCODING THEM (formerly
"METHOD FOR IDENTIFYING GENES ENCODING SIGNAL SEQUENCES")

1. Type of Application

This transmittal is for a continuation application.

2. Benefit of Prior U.S. Applications (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATIONS CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design)
Application

27 Pages of Specification
4 Pages of Claims
6 Sheets of Drawing(s)--Informal (Figures 1 to 5)
1 Page of Abstract

B. Other Papers Enclosed

5 Pages of a paper copy of sequence listing as filed in parent application;
Copy of computer-readable form of sequence listing as filed in parent application;
1 Page of a Copy of Verified Statement Under 37 CFR §1.821(f) as filed in parent
application; and
7 Pages of a Preliminary Amendment, together with Exhibit A, a marked up copy of paragraphs
in the specification (4 Pages), and Exhibit B, amended paragraphs in the specification (4 Pages).

4. Declaration or Oath

Enclosed (4 pages, as filed in the parent application)

Executed by: Sean A. McCarthy, Steve Bossone, Christine E. Bulawa, and Michael J.
Kuranda

5. Inventorship Statement

The inventorship for all the claims in this application is to Steve Bossone and Sean A. McCarthy.
Therefore, please delete Christine E. Bulawa and Michael J. Kuranda as inventors from this application.

6. Language

English

7. Assignment

A copy of the executed Assignment of the invention to Millennium Biotherapeutics, Inc. is attached, together with a copy of the Notice of Recordation of Assignment Document and FORM PTO 1595, all as filed in the parent application (6 pages).

A copy of the Certificate of Ownership and Merger of Millennium Biotherapeutics, Inc. into Millennium Pharmaceuticals, Inc. is attached, together with a copy of Notice of Recordation of the Certificate of Ownership and Merger and FORM PTO 1595, all as filed in the parent application (10 pages).

8. Fee Calculation (37 C.F.R. Section 1.16) (after entry of Preliminary Amendment filed herewith)

Regular Application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	11	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	6	- 3 =	3 x	\$84.00	\$252.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))	1		+	\$280.00	\$280.00
Filing Fee Calculation					\$1272.00

9. Fee Payment Being Made at This Time

Enclosed

Filing Fee	\$1272.00
Total Fees Enclosed	\$1272.00

10. Method of Payment of Fees

Charge Account No. 501668 in the amount of \$1272.00.

A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.17 (application processing fees)

12. Instructions as to Overpayment

Credit Account No. 501668.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATIONS CLAIMED**

13. Relate Back

Amend the specification by inserting, before the first line, the following sentence:

“This application is a continuation of U.S. application serial number 09/436,183, filed November 8, 1999, which is a divisional from U.S. patent number 6,046,000, issued April 4, 2000, the contents of both of which are hereby incorporated by reference.”

14. Maintenance of Copendency of Prior Application

The parent application (U.S. Serial Number 09/436,183, filed November 8, 1999) of the present application is currently pending. The application is allowed, and the issue fee has not yet been paid (due date: January 1, 2002).

Date: November 6, 2001



Jean M. Silveri
Registration No. 39,030
Millennium Pharmaceuticals, Inc.
75 Sidney Street
Cambridge, MA 02139
Telephone: 617-679-7336
Facsimile: 617-551-8820